

REMARKS

Claims 1-5 have been previously presented. Claims 6 and 11 are cancelled. Claims 7-10, and 12-13 are currently amended. Accordingly, claims 1-5, 7-10, and 12-13 are now pending.

Rejection of claims 1 and 7 under 35 U.S.C. § 103

Claims 1 and 7 are the only independent claims that are pending. The Office Action rejects claims 1 and 7 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. App. Pub. No. 2004/013794 (Lee) in view of U.S. Pat. Pub. No. 2004/0127233 (Harris).

In rejecting both of these claims, the Office Action argues the following:

(i) it would have been obvious ... to incorporate a tone detector as taught by Harris into Lee's TTY device.

However, the cited art specifically teaches against this modification. For instance, paragraph [0007] of Lee provides the following:

This requires that a tone detection-and-decision algorithm be provided in the cellular telephone to decode the data being sent by the TTY. This type of algorithm can introduce false detections and therefore introduce errors in the transmission and/or reception of the data;

Lee follows that statement with the following at paragraph [0029]:

Since there are no tone detection circuitry to worry about, ... false detection on Baudot codes is eliminated.

Accordingly, Lee teaches that tone detection circuitry is associated with false detections.

An inventor reading that tone detection circuitry can introduce false detections into Lee's device would not turn around and modify Lee's device to include tone detection circuitry. As a result, the cited art teaches against the combination of these references. Further, MPEP2145(X)(D)(2) states that "references cannot be combined where references teach away from their combination." As a result, the combination of the above references is not proper and the rejection should be withdrawn.

Rejection of claims 2-5, 8-10, and 12-13

Claims 2-5, 8-10, and 12-13 each depends directly or indirectly from independent claim 1 or 7. Since each of claims 1 and 7 is believed to be in condition for allowance, claims 2-5, 8-10, and 12-13 are believed to be in condition for allowance.

CONCLUSION

For all the foregoing reasons, allowance of the pending claims is respectfully requested. No fees are due with this response. If additional fees are due, the Director is authorized to charge any additional fee(s) to Deposit Account No. 50-3001 of Kyocera Wireless Corp. If necessary, applicant requests, under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application and to charge the fees for a large entity under 37 CFR 1.17(a).

Respectfully Submitted,

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